

# In the Supreme Court of the State of Alaska

**Alaska Public Offices Commission,**  
Petitioner,

v.

**Donna Patrick, James K Barnett, and  
John Lambert,**  
Respondents.

Supreme Court No. **S-17649**

**Order**  
Petition for Review

Date of Order: **3/27/2020**

Trial Court Case No. 3AN-18-05726CI

Before: Bolger, Chief Justice, Winfree, Stowers, Maassen, and Carney,  
Justices

On consideration of the Petition for Review filed on 11/22/2019, and the  
response filed on 12/16/2019,

**IT IS ORDERED:**

1. The Petition for Review is **GRANTED**. Briefing is requested on the  
following questions:

- Does APOC have discretionary authority to decline to enforce statutes within its enforcement purview? Is a formal APOC advisory opinion that a statute within its enforcement purview is unconstitutional and therefore unenforceable contrary to Alaska law regarding administrative agencies' jurisdiction to decide constitutional issues?<sup>1</sup> When APOC believes a statute within its enforcement purview is unconstitutional, is it required to follow the directives of AS 15.13.380(f) rather than declining enforcement?
- Is AS 15.13.070's limit on contributions to independent expenditure groups constitutional in light of *Citizens United v. Federal Election Commission*, 558 U.S. 310 (2010), and other recent federal case law?

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*See, e.g., Alaska Public Interest Group v. State*, 167 P.3d 27, 36 (Alaska 2007) (“Administrative agencies do not have jurisdiction to decide issues of constitutional law.”)

2. The Petitioner will have until **4/6/2020** to either designate a transcript pursuant to Appellate Rule 210(b) or file notice that a designation will not be filed. Within 10 days following the Petitioner's designation or notice, Respondent may designate additional portions of the proceedings to be transcribed.

3. The Notice of Completion of Preparation of File is due from the Appellate Court Records Office (ACRO) on or before **5/6/2020**.

4. Following the certification of the record, the Petitioner's brief notice will issue. Formal briefs conforming to Appellate Rule 212 and excerpts conforming to Appellate Rule 210 shall be filed. Briefing and excerpting shall proceed on the schedule prescribed in Appellate Rule 212(a)(1).

5. Either party may request oral argument within the time allowed by Appellate Rule 505.

Entered at the direction of the court.

Clerk of the Appellate Courts

/s/ M. Montgomery

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Meredith Montgomery

cc: Supreme Court Justices  
Trial Court Judge  
ACRO

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